

MINUTES  
*(Subject to approval by the Council)*

IDAHO COUNCIL ON INDIAN AFFAIRS  
FEBRUARY 23, 2009  
CAPITOL ANNEX, ROOM 148  
514 WEST JEFFERSON  
BOISE, IDAHO

Council members present were Senator Michael Jorgenson, Chairman of the Council; Council Vice-chairman Chief Allan, Chairman of the Coeur d'Alene Tribal Council, representing the Coeur d'Alene Tribe; Alonzo Coby, Chairman of the Fort Hall Business Council, representing the Shoshone-Bannock Tribes; Samuel Penney, Chairman of the Nez Perce Council Executive Committee, representing the Nez Perce Tribe; Robert Bear, Chairman of the Shoshone-Paiute Tribes Business Council; Russell Westerberg, representing the Kootenai Tribe; David Hensley, representing Governor "Butch" Otter; Acting Senator Dick Sagness; Representative George Saylor; and Representative Bob Nonini. Paige Alan Parker of the Legislative Services Office was also present.

Also in attendance were Eric VanOrden, Helo Hancock, Ernie Stensgar, Rosanna Sailto and Bill Roden, representing the Coeur d'Alene Tribe; David Kerrick and Darren Williams, representing the Nez Perce Tribe; Delbert Farmer, Angelo Gonzales, Laverne Beech, Gary Gould and Lee Juan Tyler, representing the Shoshone-Bannock Tribes; Dennis Smith, Sr., Lynneil Brady and James R. Blossam, representing the Shoshone-Paiute Tribes; Jon D. Warner, Leland Pubigee and Gwen Timbimboo Davis, representing the Northwestern Band of the Shoshone Nation; Kyle Prior, representing the Upper Snake River Tribes; Mary Jane Oatman-Wak Wak, Indian Affairs Coordinator, Idaho Department of Education; Christelle Edmo, Tribal Relations Program Manager, Idaho Department of Health and Welfare; Josephine Halfhide, Tribal Consultant ODC; Victoria Lewis, Boise State University nursing student; Representative John Rusche, Idaho Legislative District 7; and Representative Liz Chavez, Idaho Legislative District 7.

**Council Vice-chairman Chief Allan** called the meeting to order at 3:00 p.m. After the opening prayer and introductions, **Vice-chairman Allan** recognized **Governor "Butch" Otter's** representative on the Council, **David Hensley**, to report on discussions with the Governor on holding a summit meeting between the Governor and the tribal chairs.

**Mr. Hensley** reported that the Governor is amenable to meeting with the tribal chairs and is open to when the meeting should be held, although in the Fall, before the next legislative session, might be considered. **Vice-chairman Allan** responded that the tribal chairs should consult amongst themselves to arrange time. Nez Perce Tribal Executive Committee Chairman **Samuel Penney** asked how long the meeting would last. **Mr. Hensley** replied that the meeting would last one-half to a full day, depending on travel, and that a full day meeting would be possible if the meeting was held in Boise.

Fort Hall Business Council Chairman **Alonzo Coby** asked who would put out the agenda, adding that the tribes should agree on issues in common before the meeting in order to maximize the time. **Mr. Hensley** stated that the Governor is open as to the agenda and is willing to coordinate with the tribes. **Vice-chairman Allan** suggested that the tribes consult with each other and send agenda items to the Governor for his review. **Vice-chairman Allan** also suggested that the first meeting be in Boise. **Mr. Penney** asked **Mr. Hensley** to provide the tribal leaders with the Governor's available dates in the Fall to facilitate scheduling. **Mr. Hensley** said that he would work through the individual tribal offices to do so.

Shoshone-Paiute Tribal Council Chairman **Robert Bear** stated that he supported a separate meeting with each tribe and its counsel, since the tribes have individual issues, and agreed that the initial meeting should be in Boise. **Mr. Hensley** stated that the Governor favored meeting with representatives of all the tribes at the initial meeting.

**Mr. Hensley** apologized for having to leave the meeting early due to another commitment. **Vice-chairman Allan** thanked **Mr. Hensley** for his contribution and excused him from the remainder of the meeting.

**Vice-chairman Allan** stated that due to the excused absence of Senator **Edgar Malepeai** due to the illness of his wife, they have not been able to meet on the Tribal Commerce Development Task Force. Therefore, there was nothing to report at this time.

**Vice-chairman Allan** recognized **Mary Jane Oatman-Wak Wak**, Indian Affairs Coordinator for the Idaho Department of Education, to address the Council on Indian student education.

**Ms. Oatman-Wak Wak** reported that she is continuing her efforts to narrow the achievement gap between Indian children and the rest of the student population. She also reported that a new rule promulgated by the State Board of Education provided for native language teacher certification, rather than authorization or endorsement. This certification requirement represents an enhancement to the teaching of native languages authorized by section 33-1280, Idaho Code. **Ms. Oatman-Wak Wak** also stated that the new rule addresses criminal history background check issues.

**Representative George Saylor** asked for more information regarding the closing of the achievement gap. **Ms. Oatman-Wak Wak** stated that she would need far more than her allotted ten minutes to adequately answer that question.

**Mr. Penney** commented on the situation in the Lapwai School District where there is serious deterioration in a classroom building on the Nez Perce Reservation, including mold and vermin infestation, and asked what is being done to alleviate that situation. **Mr. Penney** stated that the school district electors have failed to pass several bond levies. **Ms. Oatman-Wak Wak** stated that an alternative building is being converted to classroom use but progress has been

slow. She also stated that the newly passed stimulus bill may have funds available for repair of school buildings. **Vice-chairman Allan** stated that the failure to pass bond levies for school building maintenance is not unique to Indian reservations but is prevalent in rural communities with older voters who no longer have children in school.

**Representative Bob Nonini** stated that there is some twenty-five million dollars (\$25,000,000) in an emergency fund, but that accessing those moneys should be a last resort due to harsh implications, including the firing of the school superintendent and the imposition of a property tax levy. **Representative Nonini** also stated that there appears to be funds for school construction/repair issues in the stimulus package but that those interested in accessing such funds need to get organized.

Attendee **Lee Juan Tyler** was recognized by **Vice-chairman Allan** to comment on an education related issue. **Mr. Tyler** reported that Idaho State University is doing away with its American Indian program and commented that Indian programs are the first to go in hard economic times. He distributed a resolution that the Fort Hall Business Council has adopted opposing this closure.

**Vice-chairman Allan** congratulated **Ms. Oatman-Wak Wak** for her recent appointment to board of directors of the National Indian Education Association and thanked her for her presentation. **Vice-chairman Allan** recognized **Mr. Tyler** to report on efforts to secure recognition of the Bear River Massacre site.

**Mr. Tyler** distributed an article regarding the Bear River Massacre which involved members of the Northwest Band of the Shoshone Nation. This massacre of Indians was one of the largest in North America. According to **Mr. Tyler**, the site is being disrespected with cattle being allowed to graze on massacre grounds and that it should be protected and preserved as an historical site. **Mr. Tyler** commented that the state of Idaho could help in acquiring the land. **Mr. Tyler** asked **Gwen Davis**, the secretary of the Northwest Band of the Shoshone Nation, to provide additional information.

**Ms. Davis** stated that the tribe has bought some of the land, including part of the plateau where the massacre occurred and nearby land, with the goal of buying it all. However, this will take time. Some of this land has geothermal potential that the tribe wants to develop. She was uncertain how many acres have been purchased. The geothermal lands that could be developed are not on the plateau massacre site, but are further to the east. **Ms. Davis** stated that the tribe is reluctant to ask the state to assist since the state would place conditions on its participation.

**Mr. Tyler** commented that the Northwest Band of the Shoshone Nation may be in a position to seek compensation for the massacre. He noted that the Shoshone-Bannock Tribes still have treaty rights to lands on the Middle Fork of the Boise River and on the Camas Prairie.

**Vice-chairman Allan asked for a motion to approve the minutes of the Council's October 9, 2008, meeting. Mr. Penney so moved and Mr. Bear seconded the motion. The minutes were approved without objection.**

**Vice-chairman Allan** recognized **Helo Hancock**, legislative director for the Couer d'Alene Tribe, to discuss the implications of the recently enacted American Recovery and Investment Act for Indian tribes. **Mr. Hancock** stated that the Act is a 470 page document. He provided council members a handout highlighting the provisions of the Act that related to Indian tribes. He stated that the National Congress of American Indians has developed a web site that is tracking the Act. That website can be accessed at <http://www.indiancountryworks.org/>. **Mr. Hancock** recommended that each tribe appoint a person or persons to coordinate the tribe's response to the Act by doing such things as determining what projects are "shovel ready," identifying previously submitted applications that might resubmitted to take advantage of the Act and tracking application deadlines.

**Representative Saylor** noted that one grant program, City Link, might receive Act funding. **Mr. Hancock** said that an application for that grant had previously been submitted to the state and that applications that are joint state and tribe should receive stronger consideration.

**Mr. Coby** described the Shoshone-Bannock Tribes' efforts to get funding for its justice center and jail that have a twenty million dollar (\$20,000,000) price tag. The jail in particular is in a deteriorated condition. Efforts to get federal funding were thwarted since the tribes were told that this is a state responsibility under Public Law 83-280. This is one reason why the tribes would like to retrocede the state responsibilities under that Public Law. The tribes have subsequently received a loan to build the justice center and jail.

**Vice-chairman Allan** asked **Mr. Coby** to comment on the status of the P.L. 83-280 retrocession legislation that the Shoshone-Bannock Tribes were considering. **Mr. Coby** stated that he is in favor of retrocession of all seven (7) matters on which the state of Idaho has acquired jurisdiction in Indian Country pursuant to state statute and asked for support from the other Idaho tribes on this matter.

**Mr. Penney** stated that the Governors have been involved in framing the stimulus items in the Act but that the Nez Perce Tribe has not been involved. He stated that without involvement of the tribes in the distribution process, there is no guarantee that these stimulus funds will get down to the tribes. He stated that the tribes should have representation on **Governor Otter's** committee on the stimulus moneys since the tribes are important economic participants in the state's economy. This committee was recently created by the Governor through Executive Order 2009-06 (<http://gov.idaho.gov/mediacenter/press/pr2009/prfeb09/eo2009-06.pdf>). According to a study by the University of Idaho, the Nez Perce Tribe is second only to the Potlatch Corporation on its contribution to the local economy.

Attendee **Dennis Smith, Sr.** was recognized by **Vice-chairman Allan** to speak. **Mr. Smith** is the Vice Chairman of the Shoshone-Paiute Tribes Business Council. **Mr. Smith** stated that the Shoshone-Paiute Tribes had a good working relationship with former **Governor Phil Batt**. The current Governor has the staff to address the issues involved in the stimulus package. The leaders of the tribes represented on the Council need to come into agreement on how to proceed on stimulus package issues and move forward on a joint resolution to the Governor. **Mr. Smith** stressed that the tribes need to support each other rather than compete. Even though the Shoshone-Paiute Reservation is largely ranching country, it is still feeling the domino effect of the downturn in the world economy.

**Vice-chairman Allan** encouraged all the tribes to hire a grant writer to assist it accessing stimulus fund moneys and not to be discouraged if the tribes do not get representation on the Governor's committee. The tribes may have to do there own thing.

**Chairman Michael Jorgenson** commented that you don't get what you don't ask for. **Chairman Jorgenson** stated that he is willing to take the requests developed by the tribes represented on the Council to the Governor. He encouraged the tribes to jointly develop proposals that he could present to the Governor. This should be done quickly, within the next couple of days.

**Vice-chairman Allan** asked about the process if the stimulus package moneys do not become available until after the Legislature adjourns. **Chairman Jorgenson** stated that the stimulus package moneys are being offered first to the Governor. If the Governor rejects some part of the package, then the Legislature will have forty-five (45) days to respond. If the Legislature is not in session, this would be a problem since the Governor would have little incentive to convene the Legislature.

**Vice-chairman Allan** asked the Legislators on the Council to report on any legislation currently pending that would affect the tribes. **Representative Sayler** stated that the number of bills before the Legislature is down this year due to the economy. **Representative Nonini** stated that he was monitoring the Coeur d'Alene Lake Management Plan. **Vice-chairman Allan** stated that the Coeur d'Alene Tribe was doing its part in supporting that legislation. **Vice-chairman Allan** shared that the tribe has recently met with county commissioners who are not, as yet, willing to sign off on that legislation. Follow-up meetings are scheduled, and he is optimistic that the county commissioners will not actively oppose the legislation.

**Christelle Edmo**, Tribal Relations Program Manager, Idaho Department of Health and Welfare asked to be added to the agenda. She commented that there are a number of state agencies that have programs that affect the Idaho tribes and that they should be invited to attend Council meetings. **Vice-chairman Allan** agreed. **Ms. Edmo** stated that she would like to see the tribes support the Tribal Relations and Understanding the Sovereignty of Tribes (TRUST) program that was created in 2004.

**Chairman Jorgenson** recommended that the tribal leaders on the Council put together an agenda for the next Council meeting, which he felt should be held in the near future in Boise while the Legislature is still in session. He also recommended that the leaders draft a letter or resolution that could be presented to the Governor on stimulus package issues. **Vice-chairman Allan** commented that there was opportunity for the tribal leaders to meet and stated that the next Council meeting would be scheduled for March 11, 2009 in Boise.

The meeting was adjourned at 4:50 p.m.